

1 AN ACT concerning civil law.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The Condominium Property Act is amended by
5 adding Section 18.8 as follows:

6 (765 ILCS 605/18.8 new)

7 Sec. 18.8. Common elements; rights of board.

8 (a) Except as provided in subsection (b) of this Section, a
9 provision in the condominium instruments is against public
10 policy and unenforceable if it restricts the right of a board
11 to represent the association in legal matters which affect the
12 common elements or more than one unit by:

13 (1) requiring consent of a percentage of unit owners;

14 or

15 (2) requiring arbitration; or

16 (3) requiring mediation prior to the filing of an
17 action in a court of competent jurisdiction; or

18 (4) requiring any combination of items (1) through (3)
19 of this subsection (a); or

20 (5) restricting or delaying the board's ability to
21 bring an action affecting the common elements or more than
22 one condominium unit in a court of competent jurisdiction
23 and to demand a trial by jury.

1 (b) A provision in the condominium instruments which would
2 otherwise be unenforceable under this Section may be enforced
3 if it is approved by a unit owner percentage vote of not less
4 than 75% of the total in the aggregate in interest of the
5 undivided ownership of the common elements following the
6 election of the first unit owner board of managers.